

BEFORE THE BUILDING CODES BUREAU
BUILDING CODES COUNCIL

In the matter of the proposed) NOTICE OF PUBLIC MEETING
adoption of the International) ON DRAFT RULE AMENDMENTS
Energy Conservation Code,)
amendments to Calculation of)
Fees (24.301.138 ARM), and the)
International Residential Code)
(24.301.154 ARM))

TO: All Concerned Persons

1. On April 26, 2004 at 9:00 a.m., a public meeting will be held in the Park Avenue Building, Room B07, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption and amendments of the above-stated administrative rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public meeting or need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5:00 p.m., April 19, 2004 to advise us of the nature of the accommodation that you need. Please contact Ms. Traci Smith, Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517 Helena, Montana 59620-0517, (406) 841-2040 (telephone), (406) 444-0532 (TTD), (406) 841-2050 (fax), or trasmith@state.mt.us (e-mail).

3. The Building Codes Council will be considering draft administrative rule amendments regarding energy codes, recently adopted International Residential Code and building permit fee reductions/rebates. The council will take comment from interested parties' regarding all draft rule amendments but anticipates that the potential adoption of the 2003 International Energy Conservation Code (IECC), with amendments, may be controversial. Following public comment, the Building Codes Council will discuss the comments and make a recommendation to the department.

4. Concerned persons may present their data, views, or comments, orally at the meeting. Written data, views, or comments may also be submitted to Tim Lloyd, Acting Bureau Chief of the Building Codes Bureau, at P.O. Box 200517, Helena, Montana 59620-0517, by facsimile to (406) 841-2050, or by e-mail to trasmith@state.mt.us, and must be received no later than 5:00 p.m., April 21, 2004.

5. An electronic copy of this Notice of Public Meeting is available through the Department's site on the World Wide Web at <http://www.state.mt.us/dli/bsd/bc/index.htm>. The Department strives to make the electronic copy of this Notice of Public Meeting conform to the official version of the Notice, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons

EXHIBIT

tabbies

should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the mailing list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding any specific topic or topics over which the Department has rulemaking authority. Such written request may be delivered to Traci Smith, PO Box 200517, Helena, MT 59620-0517, faxed to the office at (406) 841-2050, e-mailed to trasmith@state.mt.us, or made by completing a request form at any rules hearing held by the Department of Labor and Industry.

NEW RULE I INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE (1) The department of labor and industry adopts and incorporates by reference the international code council's International Energy Conservation Code, 2003 Edition, referred to as the International Energy Conservation Code, unless another edition is specifically stated, together with the following amendments:

(a) Subsection 104.1, General, is deleted and replaced with the following: "With each application for a building permit, and when required by the building official, plans and specifications shall be submitted. The building official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state, except for owner-occupied, single-family dwelling houses. All designs submitted under the provisions of Chapter 4 shall be prepared by an engineer or architect licensed to practice by the state."

"Exceptions:

1. The code official is authorized to waive the submission of construction documents and other supporting data not required to be prepared by an engineer or architect licensed to practice by the state if it is found the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

2. For residential buildings having a conditioned floor area of 5,000 square feet (465m²) or less, designs submitted under the provisions of Chapter 4 shall be prepared by anyone having qualifications acceptable to the code official.

(b) Subsection 105.2, Approvals required, is deleted in its entirety when the code is used by the building codes bureau of the department of labor and industry. It remains undeleted and available for use for certified local governments using the code.

(c) Subsection 502.2.3.6, Basement walls, is amended by adding the following: "Basement wall insulation below uninsulated floors, except for rim joists and perimeter cripple walls, may be delayed until such time as the basement is actually finished for occupancy."

(d) Subsection 502.2.4.1, Walls, is amended by adding the following: "Lesser R value may be allowed for log building walls."

(e) Where the energy labeling sticker is required by 50-60- 803, MCA, the labeling sticker shall describe the energy efficiency components of the home. The builder or representative shall sign, date, and complete the label and permanently attach it to the interior electrical panel. The energy efficiency component labeling sticker must be a

permanent self-adhesive label four by six inches in size that includes the following information:

- (i) building address, name of builder or representative, date, and signature;
- (ii) nominal R-values for flat and vaulted ceilings, above grade walls, basement and crawlspace foundation insulation, floors over unheated space, slab insulation, and exterior doors;
- (iii) overall window unit U-factor. Window U-factor information is the factor stated on the window label from the national fenestration rating council (NFRC);
- (iv) the energy efficiency rating of the heating system. This is the annual fuel utilization efficiency (AFUE) for gas heating systems and the heating season performance factor (HSPF) for heat pumps;
- (v) energy efficiency information for water heaters. This is the energy factor (EF) rating, from the manufacturer and stated on the water heater;
- (vi) other information may be listed as an option to describe energy efficiency features of the home not stated above.

(2) The purpose of the International Energy Conservation Code is to provide minimum requirements for the design of new buildings and structures and additions to existing buildings, regulating their exterior envelopes and selection of their heating, ventilating, air conditioning, service water heating, electrical distribution and illuminating systems, and equipment for effective use of energy.

(3) The International Energy Conservation Code is a nationally recognized model code for energy efficient construction of buildings. A copy of the International Energy Conservation Code may be obtained from the Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, Montana 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.